

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 1, 1997**

DIVISION ONE

B112213      L.A. CO. DCFS      (Not for Publication)  
v.  
Jerry T.

The orders under review are affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B111806 LA. CO. DCFS (Not for Publication)  
v.  
Carlotta B.

The orders under review are affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Ortega, J.

B111085      L.A. CO. DCFS      (Not for Publication)  
v.  
Linda O. et al.

The order under review is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Dunn, J. (Assigned)

December 1, 1997-Continued

## DIVISION ONE (Continued)

B109037      People                        (Not for Publication)  
v.  
Rivera

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The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Dunn, J. (Assigned)

B112686 People (Not for Publication)  
v.  
Richmond

The judgment is affirmed in full.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B112102      L.A. CO. DCFS      (Not for Publication)  
v.  
Petra A.

The order under review is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

## December 1, 1997-Continued

## DIVISION ONE (Continued)

B113352 People (Not for Publication)

V.

# Lujan

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B105807 People

V.

Marin, Jr.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

DIVISION TWO

B101997      Dennis Kelly      (Not for Publication)

V.

# Valley Presbyterian Hospital

The judgment is reversed, and the trial court is directed to reinstate Kelly's complaint. Kelly is entitled to costs on appeal.

Boren, P.J.

We concur: Nott, J.

Zebrowski, J.

B105264 Roy Corella etc. (Not for Publication)

V.

Charles Martinez et al.

The judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.

Ito, J. (assigned)

## December 1, 1997-Continued

## DIVISION TWO (Continued)

B107536      People                                  (Certified for Partial Publication)  
v.  
Raymond J. Garcia

The matter is remanded for resentencing in accordance with the views expressed herein, and in all other respects the judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.  
Zebrowski, J.

DIVISION THREE

B109904 North American Chemical Co. (Certified for Publication)  
v.  
S.C.L.A.  
Trans Harbor, Inc., et al.

The alternative writ is discharged. Let a peremptory writ issue directing the trial court to (1) vacate its order of December 31, 1996, sustaining the demurrer to the third cause of action of North American's second amended complaint, and (2) enter a new and different order sustaining the demurrer with leave to amend and to conduct further proceedings consistent with the views expressed herein. North American shall recover its costs on appeal.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                    Aranda, J. (Assigned)

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION THREE (Continued)

B101548      Santa Clarita Greenbrier Mobile                      (Not for Publication)  
                 Homeowners Assoc., Inc.  
                 v.  
                 Greenbrier Associates, Ltd., et al.

The order of dismissal is affirmed. Costs on appeal are awarded to defendants.

Croskey, Acting P.J.

We concur:   Aldrich, J.  
                 Aranda, J. (Assigned)

DIVISION FOUR

B112606      Floveyor International, Ltd.                      (Certified for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Shick Tube-Veyor Corporation, r.p.i.)

The petition for a writ of mandate is granted. The respondent court is directed to vacate its order of May 20, 1997, denying petitioner's motion to quash service of summons and to enter a new and different order granting petitioner's motion to quash service. Petitioner to recover costs.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                 Baron, J.

DIVISION FIVE

B109598      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Marijo L.

The order is affirmed.

Turner, P.J.

We concur:   Armstrong, J.  
                 Jackson, J. (Assigned)

### December 1, 1997-Continued

## DIVISION FIVE (Continued)

B107617      The People                                  (Not for Publication)  
v.  
Preston W. Braxton

The judgment is modified to reflect that defendant is to receive 392 days of presentence credits, consisting of 262 days of actual credit and 130 days of conduct credit. As modified, the judgment is affirmed. The clerk of the superior court is to prepare an amended abstract of judgment and forward it to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B103021 People  
v.  
Roy Rios Alvarez

Filed order denying petition for rehearing.

B098531      Elsinore Machris Gilliland  
v.  
The Salvation Army et al.

Filed order denying petition for rehearing.

B103634      People                                  (Not for Publication)  
v.  
Aaron Will Jones

The abstract of judgment is modified to reflect presentence credit of 553 actual days and 276 days conduct credit, for a total of 829 days. As modified, the judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Jackson, J. (Assigned)

DIVISION SIX

B110597      Fukutomi      (Not for Publication)

v.  
Taylor

The judgment is affirmed. Appellants shall bear costs on appeal.

Gilbert, Acting P.J.

We concur:   Yegan, J.  
                 Coffee, J.

B106685      People      (Not for Publication)

v.  
Schandel

The judgment is affirmed.

Stone, P.J.

We concur:   Gilbert, J.  
                 Yegan, J.

B108596      Suchil      (Not for Publication)

v.  
E.J. Harrison & Sons et al.

The matter is remanded to the trial court to enter a new order allowing Suchil's costs of \$2,699. The judgment is otherwise affirmed. Appellant shall recover costs on appeal.

Gilbert, J.

We concur:   Stone, P.J.  
                 Yegan, J.

December 1, 1997-Continued

DIVISION SIX (Continued)

B110085      W.J. Medical Instruments, Inc., etc.      (Not for Publication)  
                 v.  
                 T.W. Currie Precision Tool Co., Inc.

The judgment is affirmed. Costs to respondent.

Stone, P.J.

We concur:   Yegan, J.  
                 Coffee, J.